

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

RICHARD BRAUN, *et al.*,

Plaintiffs,

v.

JULIE A. SU, in her official capacity
as Acting Secretary of Labor,

Defendant.

Case No. 2:23-cv-234

UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant hereby respectfully requests an extension of the time limitations set forth in Federal Rule of Civil Procedure 12(a)(2) to respond to the complaint filed in this action. Counsel for the parties have conferred, and counsel for Plaintiffs indicated that Plaintiffs do not oppose this request. In support of this motion, Defendant states:

1. Plaintiffs filed a complaint in the above-captioned action on February 21, 2023. ECF No. 1. The complaint names as Defendant a federal officer sued in her official capacity. *See id.*¹
2. The United States Attorney for the Eastern District of Wisconsin was served a copy of the summons and complaint on March 1, 2023.
3. Federal government defendants have 60 days from service on the United States Attorney to respond to a complaint. Fed. R. Civ. P. 12(a)(2). Accordingly, Defendant's response to the complaint in this action is due no later than May 1, 2023.
4. On February 28, 2023, Plaintiffs filed a motion for a preliminary injunction. ECF No. 7. Following an extension of Defendant's time to respond, ECF No. 14, Defendant filed an opposition

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Julie A. Su was automatically substituted for Martin J. Walsh as a Defendant sued in an official capacity.

to the preliminary injunction motion on March 28, 2023, ECF No. 15. Following an extension of Plaintiffs' time to file a reply, ECF No. 17, Plaintiffs filed their reply in support of the preliminary injunction motion on April 18, 2023, ECF No. 19.

5. In light of the pending motion for a preliminary injunction, Defendant respectfully requests that Defendant's deadline to respond to the complaint be extended until 21 days following a decision on Plaintiffs' preliminary injunction motion. Such an extension will promote efficiency and avoid the needless expenditure of party and judicial resources.

Dated: April 18, 2023

Respectfully submitted,

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